

JC17 Rec'd PCT/PTO 24 JUN 2005 A

PATENT

Customer No. 22,852

Attorney Docket No. 08140.0006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hirotaka HARO) Group Art Unit: To Be Assigned
Application No.: To Be Assigned) Examiner: To Be Assigned
Filed: Concurrently Herewith)
For: A METHOD OF THERAPY FOR)
DEGENERATIVE)
INTERVERTEBRAL DISCS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

06/30/2005 KRAYPAGH 00000068 10540521

Sir:

\$130.00 OP

PETITION TO SUBMIT COLOR PHOTOGRAPHS UNDER 37 C.F.R. 1.84 § (b)(2)

Applicant respectfully requests that the Office accept color photographs for Figures 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 in this application.

The specification has been amended as required under 37 C.F.R. 1.84 (a)(2)(iv).

Three sets of color photographs of Figures 2-14 are enclosed. A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in Figures 2-14 is attached and filed with the patent application.

A check in the amount of \$130.00 is enclosed for the petition fee as required under 37 C.F.R. § 1.17(h).

The color drawings are necessary to show the details of and to detect the degradation of the intervertebral disc and herniated disc matrix in Figures 2-3 and 6-14, as described in the Examples at pages 12-22 of the specification. The color drawing is

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necessary in Figure 4 to show the histology of canine herniated disc, as explained at pages 15-16, paragraph 59, of the specification. The color drawing is necessary in Figure 5 to show the details of injection into the intervertebral discs, as explained at page 17, paragraph 63, of the specification.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 24, 2005

By: Amy E. Purcell
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